

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

THE BOEING COMPANY

No. 4:21-CR-00005-O

**THE UNITED STATES OF AMERICA’S RESPONSE TO THE DECLARATION
FILED BY FORMER UNITED STATES ATTORNEY ERIN NEALY COX**

The United States of America (“the Government”) respectfully submits this response to the declaration filed by Erin Nealy Cox, the former United States Attorney for the Northern District of Texas (“the Declaration”). Dkt. 33.* According to the letter accompanying the Declaration, on January 5, 2022, Ms. Nealy Cox asked counsel for the representatives of certain crash victims of Lion Air Flight 610 and Ethiopian Airlines Flight 302 (“the Movants”) to eliminate from one of their three motions (Dkt. 15) “any and all allegations pertaining to Ms. Nealy Cox.” Dkt. 33 at 1. On January 7, 2022, the Movants filed an amended motion omitting a portion of the language referring to Ms. Nealy Cox. *Compare* Dkt. 15 at 17 (stating in part with respect to Ms. Nealy Cox that “at least one senior Government attorney who approved the DPA appears to have had priorities at odds with conferring with the victims’ families”) *with* Dkt. 32 at 17 (omitting that and other language). However, the amended motion, like the originally filed motion, continues to characterize Ms. Nealy Cox’s decision to join Kirkland & Ellis LLP (“Kirkland”) several months after the DPA was finalized as “particularly disconcerting” in light of Kirkland’s representation of The Boeing Company. Dkt. 32 at 17. In her Declaration, Ms. Nealy Cox states, among other

* “Dkt.” refers to the docket entries in this case and, where appropriate, is followed by the relevant page number. “Declaration” refers to the Declaration and, where appropriate, is followed by the relevant paragraph number.

things, that: she never communicated with the Kirkland attorneys listed as counsel for Boeing during her tenure as U.S. Attorney; she did not engage in “*any* employment conversations until well after [her] employment with [the Department of Justice] had ended;” and, since joining Kirkland, she “ha[s] been screened off of any matter dealing with” Boeing. Declaration ¶¶ 10-15. On January 11, 2022, this Court ordered the Government, Boeing, and the Movants to respond to Ms. Nealy Cox’s declaration. Dkt. 34.

The Government accepts the contents of the Declaration as true and has no information to contradict Ms. Nealy Cox’s representations. The Government also has no reason to doubt that Ms. Nealy Cox complied with all applicable statutes and regulations governing the conduct of current and former Department of Justice employees who obtain post-government employment. Ms. Nealy Cox has a stellar reputation as a former Assistant U.S. Attorney and United States Attorney for the Northern District of Texas. In any event, the unfounded and unjustified allegations concerning Ms. Nealy Cox have no bearing on the legal issues to be determined in this matter.

Respectfully submitted,

JOSEPH S. BEEMSTERBOER
Acting Chief, Fraud Section
Criminal Division
United States Department of Justice

By: s/ Jerrob Duffy
Jerrob Duffy, Deputy Chief
New York Bar No. 2803559
jerrob.duffy2@usdoj.gov

United States Department of Justice
Criminal Division, Fraud Section
1400 New York Avenue, N.W.
Washington, D.C. 20005
202-514-2000 (office)
202-514-3708 (fax)

CHAD E. MEACHAM
Acting United States Attorney
Northern District of Texas

By: s/ Alex C. Lewis
Alex C. Lewis, Assistant U.S. Attorney
Missouri Bar No. 47910
alex.lewis@usdoj.gov

United States Attorney’s Office
Northern District of Texas
801 Cherry Street, 17th Floor
Fort Worth, TX 76102
817-252-5200

Certificate of Service

I certify that on January 20, 2022, I electronically filed this pleading with the clerk of the court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system, which will send a notification of electronic filing to notify counsel for the defendant and movants.

s/ Jerrob Duffy

JERROB DUFFY

Deputy Chief, Fraud Section

New York Bar No. 2803559